



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, OCTOBER 14, 2002 – 7:30 P.M.
(MAYOR AND COUNCIL CHAMBERS, CITY HALL,
255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Mike Petzer, Living Hope Family Church

PLEDGE OF ALLEGIANCE

PRESENTATIONS

(a) Proclamation – Proclaiming October to be Disability Awareness Month

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager OCT14-02-610 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager OCT14-02-611 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

6. CONSENT AGENDA – ITEMS A THROUGH M

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager OCT14-02-607

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1)	RP FOOD STORE 902 W. Miracle Mile Applicant: Krishna P. Singh City #070-02, located in Ward 3 Series #10 Action must be taken by: October 24, 2002	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Business Lic.: In Compliance
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NOTE: State law provides that a new license, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Location Transfer(s)

(2)	MAVERICK KING OF CLUBS 6622 E. Tanque Verde Applicant: Mohsen Farhang City #071-02, located in Ward 2 Series #6 Action must be taken by: October 24, 2002	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Business Lic.: In Compliance
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NOTE: State law provides that, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

(c) Special Event(s)

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| (1) | TUCSON SYMPHONY ORCHESTRA
140 N. Main
Applicant: Andrew D. Johnson
City #T087-02, located in Ward 1
Date of Event: October 25, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | TUCSON COMMUNITY SCHOOL, INC.
3201 E. Presidio Road
Applicant: Michael R. Urman
City #T091-02, located in Ward 3
Date of Event: October 26, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) | SKY ISLAND ALLIANCE
110 S. Church Street
Applicant: Roger D. Hodges
City #T092-02, located in Ward 6
Date of Event: October 19, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. ZONING: (C9-00-03) NEW WORLD HOMES – 22nd STREET, SR AND RX-1 TO R-1, ORDINANCE ADOPTION

- (a) Report from City Manager OCT14-02-617 WII
- (b) Ordinance No. 9778 relating to zoning: amending zoning district boundaries in the area located south and west of the southwest corner of 22nd Street and Harrison Road in Case C9-00-03, New World Homes – 22nd Street, SR and RX-1 to R-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the attached ordinance.

9. ZONING: (C9-02-20) CACHITA – FORT LOWELL ROAD, R-1 TO O-3; CITY MANAGER’S REPORT

- (a) Report from City Manager OCT14-02-620 WIII
- (b) Report from Zoning Examiner dated September 27, 2002
- (c) Request to rezone approximately 0.92 acres from R-1 (Low density residential) to O-3 (Residentially compatible office) zoning. Applicant: Herbert Havins on behalf of the property owners, Cachita, L.P.

The rezoning site is located on the south side of Fort Lowell Road between Wilson and Jackson Avenues. The preliminary development plan is for a 15,175 square foot, two story professional office building.

The Zoning Examiner recommends approval of O-3 zoning. The City Manager recommends approval of O-3 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated, May 31, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. There shall be no more than one (1) curb cut along Fort Lowell Road.
3. A six (6) foot tall decorative masonry screen wall shall be provided along the entire south property line. A minimum ten (10) foot wide landscape buffer and canopy trees planted at a ratio of one tree every twenty-five (25) feet along the west 120 feet of the south property line.
4. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
5. Any continuous wall greater than seventy-five (75) feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
6. All exterior mechanical equipment shall be screened from view of adjacent development and street frontages and shall be integrated into the overall design of the building and development.
7. Outdoor lighting shall be full cutoff – directed down and away from all residentially zoned and/or occupied property. Outdoor lighting south of the building shall be mounted no higher than the height of the screen wall on the south property line, measured to the light source.
8. Side and rear building façades shall be designed with attention to the architectural character and detail comparable to the front façade.
9. The monument sign shall be integrated into the overall design of the new building and landscape area. A detail of the sign is to be provided at the time of development plan review.

10. Clerestory windows shall be provided for all second-story windows facing south for any building elevation less than 65 feet north of the south property line. South facing balconies are prohibited.
11. Curb and sidewalks shall be installed along Fort Lowell Road and Wilson Avenue.
12. Dedication or verification of the existence of right-of-way as shown on the *Major Streets and Routes Plan* map shall be provided along Fort Lowell Road.
13. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
14. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
15. Owner/developer shall agree to participate in an improvement district for street lighting and shall agree to accept a proportionate assessment for same.
16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
17. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero written approvals and one written protest have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-02-14) GENESEE – SILVERBELL ROAD, SR/SH TO R-1; CITY MANAGER’S REPORT

- (a) Report from City Manager OCT14-02-619 WI
- (b) Report from Zoning Examiner dated September 20, 2002

- (c) Request to rezone approximately 8.9 acres from SR/SH (Very low density residential/Low density, large lot residential) to R-1 (Low density residential) zoning. Applicant: Ted Herman of the Planning Center on behalf of the property owner, The Genesee Company.

The rezoning site is located on the west side of Silverbell Road, south of Introspect Drive. The preliminary development plan is for forty-one, single story, single-family residences, a density of 4.6 residences per acre.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated July 15, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Sections 4.1.1. of the *Land Use Code*.
2. Maximum density for the project is five (5) units per acre.
3. All structures shall be limited to a maximum height of twenty-four (24) feet and shall be sited and landscaped to minimize any negative visual impacts.
4. All structures shall be earth tones in context with the surrounding environment.
5. A ten (10) foot wide landscape/pedestrian area shall be provided on both sides of the street, measured from the back of curb, and shall contain at least one canopy tree for every two lots along the street frontage.
6. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
7. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
8. Dedication or verification of existence of right-of-way as shown on the *Major Streets and Routes Plan* map along the Silverbell Road frontage of the site including dedication of twenty-five (25) foot radius spandrels at the access road intersection with Silverbell Road.
9. Installation of a continuous southbound right turn lane and a continuous northbound left turn lane along the entire Silverbell Road frontage of the site, plus transitions/tapers beyond the widened section to provide for safe ingress to the site.

10. Installation of a 100-year storm capacity reinforced concrete drainage structure beneath Silverbell Road at the location of the existing Corrugated Metal Pipe (CMP) drainage culvert. This structure shall be constructed to accommodate the future *MS&R* cross-section for Silverbell Road and shall include appropriate inlet and outlet protection.
11. In lieu of installing an additional through lane of paving, curb and sidewalks along the Silverbell Road frontage of the site, or participating in a future improvement district for the same, the owner/developer shall provide funding in the amount of \$85.00 per linear foot of frontage on Silverbell Road upon the issuance of the first building permit.
12. Street cross-sections shall be wide enough to accommodate on-street parking on both sides of the street.
13. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
14. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five (5) years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Three written approvals and three written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. **ZONING: (C9-01-16) TM HEALTHCARE, R-1 TO O-2, CITY MANAGER’S REPORT**
 - (a) Report from City Manager OCT14-02-628 WII
12. **ECONOMIC DEVELOPMENT: ESTABLISHING FINANCIAL INCENTIVES FOR DEVELOPMENT IN THE DOWNTOWN CORE**
 - (a) Report from City Manager OCT14-02-615 CITY-WIDE
 - (b) Resolution No. 19388 relating to development; creating incentives for development in the downtown core for a period of three years by waiving certain building permit fees and refunding certain public infrastructure costs and fees.
13. **PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTER 3) SIGN CODE RELATING TO ELECTRONIC MESSAGE SIGNS, REAL ESTATE FEES, AND PROHIBITED SIGNS**
 - (a) Report from City Manager OCT14-02-623 CITY-WIDE
14. **PUBLIC HEARING: (C9-97-11) DOWNTOWN DEVELOPMENT CORPORATION – 5TH AVENUE, R-3 TO C-2, C-3 AND P, ORDINANCE ADOPTION**
 - (a) Report from City Manager OCT14-02-624 WVI
15. **PUBLIC HEARING: *LAND USE CODE* AMENDMENT – RIO NUEVO AND DOWNTOWN ZONE**
 - (a) Report from City Manager OCT14-02-625 CITY-WIDE
16. **PUBLIC HEARING: *LAND USE CODE* AMENDMENT – AIRPORT ENVIRONS ZONE/DAVIS MONTHAN AIR FORCE BASE**
 - (a) Report from City Manager OCT14-02-626 CITY-WIDE
17. **PUBLIC HEARING: VARIANCE TO THE WASH ORDINANCE – LAKESIDE RIDGE**
 - (a) Report from City Manager OCT14-02-627 WIV

18. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager OCT14-02-603 CITY-WIDE

19. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

20. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 21, 2002, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.